

Notice of Allowability

Application No.

09/810,883

Examiner

Anne Marie S. Wehbe

Applicant(s)

THOMAS ET AL.

Art Unit

1633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the after-final amendment received on 4/24/06.
2. ☒ The allowed claim(s) is/are 49,51,52 and 55-61.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

Applicant's amendment after final received on 4/24/06 has been entered. claims 1-48, 50, and 53-54 are canceled. New claims 57-61 are added. Claims 49, 51-52, and 55-61 are currently pending in the instant application.

The rejection of the previously pending claims under 35 U.S.C. 103(a) is withdrawn in view of applicant's amendments which limit the ITIM to FcεRII. The prior art of record does not teach or suggest making a bispecific antibody which binds to an ITAM as claimed and FcεRII.

Following entry of this examiner's amendment, claims 49, 51-52, and 55-61 are allowed.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Cheryl Liljestrand on 5/5/06.

The application has been amended as follows:

- 1) Claim 51 has been rewritten as follows:

51. A composition comprising the bispecific antibody, or a binding fragment thereof, of claim 49, and a physiologically acceptable carrier, excipient, or diluent.

2) Claim 56 has been rewritten as follows:

56. A method of ameliorating an allergic disease or condition in a mammal comprising administering the bispecific antibody, or a binding fragment thereof, of claim 49.

3) Claim 57 has been rewritten as follows:

57. A method of inhibiting the release of TNF- α from a mast cell or a basophil comprising administering the bispecific antibody, or a binding fragment thereof, of claim 49, wherein said ITAM is Fc ϵ RI, Fc γ RI, Fc γ RIIA, or Fc γ RIIIA.

4) Claim 58 has been rewritten as follows:

58. A method of inhibiting the release of histamine from a mast cell or a basophil comprising administering the bispecific antibody, or a binding fragment thereof, of claim 49, wherein said ITAM is Fc ϵ RI, Fc γ RI, Fc γ RIIA, or Fc γ RIIIA.

5) Claim 60 has been rewritten as follows:

60. A method of inhibiting the release of TNF- α from a mast cell or a basophil comprising administering the composition of claim 51, wherein said ITAM is Fc ϵ RI, Fc γ RI, Fc γ RIIA, or Fc γ RIIIA.

6) Claim 61 has been rewritten as follows:

61. A method of inhibiting the release of histamine from a mast cell or a basophil comprising administering the composition of claim 51, wherein said ITAM is Fc ϵ RI, Fc γ RI, Fc γ RIIA, or Fc γ RIIIA.

7) In the specification, paragraph 1, line 2, the words -- now abandoned, -- has been inserted after "1999,".

Any inquiry concerning this communication from the examiner should be directed to Anne Marie S. Wehbé, Ph.D., whose telephone number is (571) 272-0737. If the examiner is not available, the examiner's supervisor, Dave Nguyen, can be reached at (571) 272-0731. For all official communications, **the new technology center fax number is (571) 273-8300**. Please note that all official communications and responses sent by fax must be directed to the technology center fax number. For informal, non-official communications only, the examiner's direct fax number is (571) 273-0737. For any inquiry of a general nature, please call (571) 272-0547.

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The applicant can also consult the USPTO's Patent Application Information Retrieval system (PAIR) on the internet for patent application status and history information, and for electronic images of applications. For questions or problems related to PAIR, please call the USPTO Patent Electronic Business Center (Patent EBC) toll free at 1-866-217-9197.

Representatives are available daily from 6am to midnight (EST). When calling please have your application serial number or patent number available. For all other customer support, please call the USPTO call center (UCC) at 1-800-786-9199.

Dr. A.M.S. Wehbé

ANNE M. WEHBE' PH.D
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Anne M. Wehbe', with a horizontal line extending to the right.